

REMARKS/ARGUMENTS

Reconsideration and allowance of this application are respectfully requested.

Currently, claims 1-22 are pending in this application.

Rejection Under 35 U.S.C. §102 and §103:

Claims 1, 4, 6, 13-14 and 17-22 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Todoroki (DE 19713059 A or U.S. Patent No. 5,850,419, hereinafter “Todoroki”). Applicant respectfully traverses this rejection.

Applicant notes that section V(4) of the International Preliminary Examination Report states the following:

“Document D4 = DE 197 13 059 A (NIPPON ELECTRIC CO) 6 November 1997 (1997-11-06), is dedicated to time diversity communication, explaining different scrambling techniques, which help to eliminate error data by adding redundancy bits to a signal and exchanging and delaying bit- and block-wise the positions of successive parts of the digital signal.

Claims 1-16 are novel, inventive and industrially applicable.”

Todoroki fails to disclose “secondary data which includes the first data in respect of a different temporal portion of the signal **but lacks the second data in respect of that portion** (emphasis added).” as required by independent claim 1 and its dependents.

Independent claims 17 and 19 require similar limitations.

With respect to this limitation, the Office Action merely refers to Fig. 6 of Todoroki. For example, page 4 lines 8-10 of the Office Action states “... secondary data which includes the first data in respect of a temporal portion of the signal but lacks the second data in respect of that portion (figure 6) as discussed in claim 1.” Page 6, lines 5-

6 of the Office Action, which discusses claim 1, again merely refers to Fig. 6. No further comments are presented in the Office Action regarding how Todoroki discloses this limitation beyond the mere identification of Fig. 6.

Fig. 6 of Todoroki fails to disclose “secondary data which includes the first data in respect of a different temporal portion of the signal **but lacks the second data in respect of that portion.**” Fig. 6 of Todoroki discloses encoder 11 adding k redundancy bits p_i to **every** block of m bits b_i . (Figs. 6A-6B). Indeed, col. 5, lines 17-20 of Todoroki states “The above-described interlaced signal $\{b_i\}$ is encoded at transmission channel encoder 11 by dividing at each m bits (where $m < n$), adding k redundancy bits $\{p_i\}$ at **every** m bits, as shown in FIG. 6(a), and inputting to interleaver 26 (emphasis added).” Blocks of the bits are interleaved and then output with a unique word (UW). (Fig. 6C). Todoroki’s redundancy bits (i.e., alleged by the Office Action as disclosing the claimed “second data”) is added for **each** one of the bit streams $b_1 \dots b_m, b_{m+1} \dots b_{2m}$. Todoroki fails to disclose the above claimed feature “... but lacks the second data in respect of that portion.”

If the next Office Action maintains the rejection over Todoroki, Applicant respectfully requests clarification regarding how Fig. 6 (or any other figure or passage of Todoroki) discloses the above claimed feature.

Todoroki fails to disclose “a coder operable to generate a first output providing first data from which a decoder can produce a reconstructed signal and a second output providing **second, enhancement, data whereby a decoder receiving both the first and**

second data can produce a higher quality reconstructed signal (emphasis added),” as required by independent claim 1 and its dependents. Independent claims 17 and 19 require similar limitations. Todoroki also fails to disclose “each packet containing primary data which includes first data in respect of a temporal portion of the signal and second, enhancement, data in respect of the same portion of the signal” and “a decoder capable of producing a reconstructive signal from the first data alone and capable of producing a higher quality reconstructed signal from the first and second data together” as required by independent claim 13. Independent claims 18 and 20 require similar limitations.

The Office Action alleges that Todoroki’s redundancy bits discloses the claimed enhancement data. Applicant respectfully disagrees. The redundancy bits are added for error checking purposes and would not enable a decoder to produce a higher quality image if the “first data” is successfully received. In particular, claim 1 requires “whereby a decoder receiving both the first and second data can produce a higher quality reconstructed signal.” If the decoder in Todoroki’s system does in fact receive the “first data”, then the alleged “second data” (Todoroki’s redundancy bits) will not produce a higher quality image. Only if the decoder does not successfully receive the “first data”, would the redundancy bits even be utilized. Redundancy bits are not utilized if the decoder successfully receives the first data. Enhancement data as claimed is therefore not disclosed by Todoroki’s added error checking bits.

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Accordingly, Applicant respectfully submits that Todoroki fails to anticipate claims 1, 4, 6, 13-14 and 17-22. Applicant thus respectfully requests that the rejection of these claims under 35 U.S.C. §102(b) be withdrawn.

Claims 2 and 3 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Todoroki in view of Campana (WO '368). Claims 5, 7-12 and 15-16 were rejected under 35 U.S.C. §103 as allegedly being unpatentable over Todoroki in view of Yamauchi (U.S. '338). Neither of Campana nor Yamauchi remedies the above described deficiencies of Todoroki. Applicant therefore respectfully requests that the above rejections of claims 2-3, 5, 7-12 and 15-16 be withdrawn.

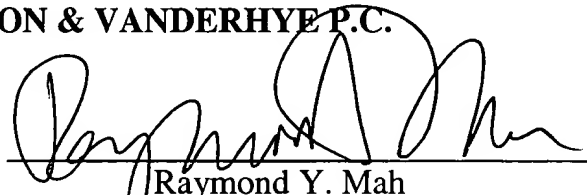
Conclusion:

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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